

## **REMARKS**

Claims 20-49 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

### **Section 102(e) Rejection:**

The Office Action rejected claims 20, 33 and 46 under 35 U.S.C. § 102(e) as being anticipated by Dziadosz et al. (U.S. Patent 5,832,222) (hereinafter “Dziadosz”). Applicants respectfully traverses this rejection for at least the following reasons.

In regard to claim 20, Dziadosz does not teach a first storage device configured to store an operating system for booting a computer system, and a second storage device configured to store the operating system for booting the same computer system, wherein the first storage device and the second storage device appear as a single target device to the computer system. To the contrary, Dziadosz teaches that data written to the disk of a local processing unit is automatically replicated to the disk of a separate remote processing unit. Likewise, data written to the disk of the remote processing unit is automatically replicated to the disk of the local processing unit. Dziadosz -- col. 6, lines 49-65. Dziadosz clearly describes that a “single system image of the I/O subsystem” means that data written by each processing unit to its own disk is automatically replicated to the disk of the other processing unit so that both processing units have a copy of all the data on their disks. However, each processing unit operates only from its own disk. Dziadosz describes that if one processing unit fails, the other processing unit can run the application that was running on the failed processing unit since all the data for the application has been automatically replicated to the other processing unit. Dziadosz -- col. 6, lines 3-34. Thus, Dziadosz is describing the automatic replication of data between two processing units that each has its own disk. The disk of the local processing unit and the disk of the remote processing clearly do not appear as a single target device to one of the computer systems. In the passages cited above, Dziadosz clearly describes that each processing unit operates from its own disk.

Further in regard to claim 20, Dziadosz does not teach a boot device configured so the computer system can access the operating system from either the first storage device or the second storage device in the event of a failure of one of the storage devices. To the contrary, Dziadosz teaches replicating the boot image stored on the boot disk of a local computer system to the boot disk of a separate remote computer system. Dziadosz teaches that “if the local system 208 fails, such as due to a catastrophe, the remote system 210 can be booted-up from the remote disk 220 which is a copy of the boot disk 214 of the local system 208.” Dziadosz – col. 15, lines 35-39. Thus, Dziadosz is describing two separate computer systems – a local computer system and a remote computer system that can boot up if the local computer system fails. In contrast, Applicant’s claim 20 recites that the same computer system can access the operating system from either the first storage device or the second storage device in the event of a failure of one of the storage devices.

Similar arguments apply to independent claims 33 and 46.

Furthermore, in regard to independent claim 33, Dziadosz does not teach a boot device that is configured so the computer system can access the operating system from either the first storage device or the second storage device in event of a failure of one of the storage devices. As discussed above, Dziadosz teaches that data written to the disk of a local processing unit is automatically replicated to the disk of a separate remote processing unit by distributed data model software running on the processing units. Thus, in Dziadosz it is the distributed data model software running on the local and remote processing units that creates a “single system image of the I/O subsystem”. If the local processing units fails, Dziadosz teaches that switch-over software running on the remote processing unit causes the remote processing unit to take-over for the failed processing unit. Thus, Dziadosz clearly does not teach that a boot device itself is configured so the computer system can access the operating system from either the first storage device or the second storage device in event of a failure of one of the storage devices.

In regard to independent claim 46, Dziadosz does not teach, upon detecting a failure of one of the storage devices, automatically continuing to provide access to the operating system stored on the non-failed one of the storage devices as the single boot device. As discussed above, Dziadosz teaches switching over to a completely separate processing unit that has a copy of the data on its own disk. Thus, Dziadosz clearly does not teach, upon detecting a failure of one of the storage devices, automatically continuing to provide access to the operating system stored on the non-failed one of the storage devices as the single boot device.

In light of the above remarks, Applicant asserts that claims 20, 33 and 46 are clearly not anticipated by Dziadosz and withdrawal of the rejection is respectfully requested.

**Section 103(a) Rejection:**

The Office Action rejected claims 21, 23-30, 34, 36-43 and 47-49 under 35 U.S.C. § 103(a) as being unpatentable over Dziadosz in view of Gunderson (U.S. Patent 6,073,220), claims 22 and 35 as being unpatentable over Dziadosz in view of Pfeffer et al. (U.S. Patent 5,210,860) (hereinafter “Pfeffer”), and claims 31-32 and 44-45 as being unpatentable over Dziadosz in view of Hayden et al. (U.S. Patent 6,140,926) (hereinafter “Hayden”). Applicant traverses these rejections for at least the reasons given above in regard to Dziadosz. Moreover, as discussed in Applicant’s previous response, Gunderson requires that the computer system accesses the drives as separate targets to copy data from the primary drive to the backup drive. Therefore, Gunderson actually teaches away from Applicants’ invention.

Furthermore, in regard to all the §102 and § 103(a) rejections, Applicant asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

## CONCLUSION

Applicants submit the application is in condition for allowance, and notice to that effect is respectfully requested.

If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-65300/RCK.

Also enclosed herewith are the following items:

- Return Receipt Postcard
- Petition for Extension of Time
- Notice of Change of Address
- Fee Authorization Form authorizing a deposit account debit in the amount of \$ for fees (      ).
- Other:

Respectfully submitted,



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